Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 913-04590-1614-145		Date: May 7, 2013	Time: 1336 hours
Location: [redacted] East 181st, Carson CA 90746		City or Station: Carson Station	
Bureau/Station/Facility: South Patrol Division/Carson Station		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Category 3 - Take Down / Personal Weapons / TARP / Taser			
Incident Category: ○1 ○2 ◉3	Deputy Injury: ◉ YES ○ NO	Suspect Injury ◉ YES ○ NO	
☐ Call ☒ Observation ☐ Detail		☐ Foot Pursuit ☐ Vehicle Pursuit	
IAB Notified: ◉ YES ○ NO	Person Notified: Lt. Dominic Valencia	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Borges	Ronnie	P.	B-1

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	B	511	175	31	○ EM ◉ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Carson Station
Work Assignment (Unit #, Module, etc.): 163A
Individual Force Used: Personal Weapons (hands, knees) — ○ Directed ○ Rescue ○ Medical Assist
Individual Category: ○1 ○2 ◉3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

E2

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Berry	David	M.	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	B	509	210	35	○ EM ◉ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Carson Station
Work Assignment (Unit #, Module, etc.): 163A
Individual Force Used: Personal Weapons (hands, knees) — ○ Directed ○ Rescue ○ Medical Assist
Individual Category: ○1 ○2 ◉3
☒ Injured ☒ Treated ☐ Admitted Facility: Western Medical Center
Coroner Case #

E3

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Zipusch	Walter	A	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	O	511	185	32	○ EM ◉ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Carson Station
Work Assignment (Unit #, Module, etc.): 160B2
Individual Force Used: Personal Weapon (feet, hands), Control Technique — ○ Directed ○ Rescue ○ Medical Assist
Individual Category: ○1 ○2 ◉3
☒ Injured ☐ Treated ☐ Admitted Facility: Western Medical Center
Coroner Case #

☐ Additional Involved Employees

On Duty Supervisor

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Emeneger	Michelle	R.	Sgt	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Reyes	Mark	A	Sgt	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]		[redacted]

Watch Commander / Supervising Lieutenant's **Signature:** Date Copy Provided to Employee by: Emp #:

Unit Commander **(Print Name)** Unit Commander's **Signature:** Emp #: Date

DISCOVERY Use Only
FO# Z334060

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation

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Involved Employee

E 4

E[redacted]	Last Name: Cervantes	First Name: Paul	Middle I.: S.	Rank: B-1

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	W	600	245	33	( ) EM (●) Day ( ) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Carson Station
Work Assignment (Unit #, Module, etc.): 169A

Individual Force Used: Personal Weapons (feet), taser
(●) Directed ( ) Rescue ( ) Medical Assist
Individual Category: ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ____
Coroner Case #:

E 5

E[redacted]	Last Name: Cardenas	First Name: Ramon	Middle I.:	Rank: DSG

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	H	601	230	34	( ) EM (●) Day ( ) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Carson Station
Work Assignment (Unit #, Module, etc.): 169A

Individual Force Used: Hobble (TARP)
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ____
Coroner Case #:

E 6

E[redacted]	Last Name: Farrell	First Name: William	Middle I.: W.	Rank: DSG

Sex	Race	Height	Weight	Age	Shift	
(●) M ( ) F	W	510	240	53	( ) EM (●) Day ( ) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Carson Station
Work Assignment (Unit #, Module, etc.): 160B3

Individual Force Used: Personal Weapons (hands, feet), Hobble (TARP)
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ____
Coroner Case #:

E 7

E[redacted]	Last Name: Smith	First Name: Amber	Middle I.: M.	Rank: DSG

Sex	Race	Height	Weight	Age	Shift	
( ) M (●) F	W	504	140	33	( ) EM ( ) Day (●) PM	(●) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment: Carson Station
Work Assignment (Unit #, Module, etc.): 160B2

Individual Force Used: Personal Weapons, Taser
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ____
Coroner Case #:

E _

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
( ) M ( ) F					( ) EM ( ) Day ( ) PM	( ) Regular Shift ( ) OT Shift ( ) Off Duty

Unit of Assignment:
Work Assignment (Unit #, Module, etc.):

Individual Force Used:
( ) Directed ( ) Rescue ( ) Medical Assist
Individual Category: ( ) 1 ( ) 2 ( ) 3

☐ Injured ☐ Treated ☐ Admitted Facility: ____
Coroner Case #:

Supervisor's Report on Use of Force
SUSPECT INFORMATION

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Suspect Information

S 1

Last Name: Engle | First Name: Cory Lee | Middle Name: Christopher | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: W | Age: 25 | Height: 507 | Weight: 220 | D.O.B: 5-12-87 | Phone #1: ( ) H ( ) W ( ) C None | Phone #2: ( ) H ( ) W ( ) C

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 352444 | Primary Charge Code: 69 PC | Secondary Charge Code: 11377(a) HS | ☒ Criminal History

Treated on Scene? (●) YES ( ) NO | Name: | Unit: | Phone #:

Hospital Admission? ☒ | Rec'd Treatment At: UCLA-Harbor General | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: Dr. Pavelka | Address: 1000 W. Carson St, Torrance, CA 90502 | Phone #: (310)222-2643

Under Influence: (●) YES ( ) NO | Substance: CNS Stimulant | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: 5-7-13 | Time: 2000 | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force

9 1 3 - 0 4 5 9 0 - 1 6 1 4 - 1 4 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Engle	S1	Borges, Berry	E1, E2	UC,RS		
Borges, Berry	E1, E2	Engle	S1	CT,TD	AB	LE
Engle	S1	Borges, Berry	E1, E2	PK, PH	AB, LC	FA
Borges, Berry	E1, E2	Engle	S1	PH, CT		
Borges	E1	Engle	S1	PH, CT		
Engle	S1	Borges, Berry	E1	PH, PK		
Engle	S1	Borges	E1	PH	AB	SH
Cervantes	E4	Engle	S1	PK	BR, FR	AD
Cervantes	E4	Engle	S1	TR	PW	BK
Smith	E7	Engle	S1	TR		
Zipusch	E3	Engle	S1	PK, CT	FR	AD
Zipusch	E3	Engle	S1	PK, CT	CP	BK
Zipusch	E3	Engle	S1	PH		
Smith	E7	Engle	S1	CH		
Cervantes	E4	Engle	S1	CT		
Cardenas	E5	Engle	S1	CT		
Cardenas	E5	Engle	S1	HB, TP		
Farrell	E6	Engle	S1	PK,CT	CP, FR	BK
Farrell	E6	Engle	S1	TP		

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

CATEGORY 3 FORCE INCIDENT

UNIT: Carson Station
DATE: May 7, 2013
TIME: 1336 hours
LOCATION: [redacted] East 181st Street, Carson, CA 90746
URN#: 913-04590-1614-145
IAB#: FO2334060

SUMMARY OF INCIDENT:

On May 7, 2013, Deputy Ronnie Borges (Field Training Officer) and Deputy David Berry (Trainee) were working Carson Station unit 163A. They were conducting a robbery investigation when they were approached by an anonymous informant who told them of a suspicious person in a vehicle (Brown Chrysler minivan) who may have been selling narcotics (unrelated to the robbery investigation). The informant told the deputies the suspicious vehicle was parked on 181st Street.

Deputy Borges and Deputy Berry drove to 181st Street and located a vehicle matching the previously described minivan at [redacted] E. 181st Street. Deputy Borges noted the rear passenger sliding door of the van was partially open. The deputies stopped their patrol car behind the minivan and together approached the vehicle on foot. Deputy Borges approached on the passenger side, while Deputy Berry approached on the driver's side. Deputy Borges looked inside the van from the passenger slider and noted a male (later identified as Suspect Engle) sleeping in the back of the van. Deputy Borges woke up Suspect Engle as he (Borges) gave him verbal commands to show his hands.

Suspect Engle immediately put his hands in the air and Deputy Borges gave him additional commands to remain seated. Suspect Engle ignored Deputy Borges's order to remain seated and quickly climbed to the front passenger seat. Suspect Engle opened the front passenger door and exited the van, attempting to flee from the deputies.

Deputy Borges held on to Suspect Engle as Deputy Berry ran around the van to the passenger side to assist Deputy Borges. The deputies struggled to keep Suspect Engle from running away and used a takedown to bring Suspect Engle to the ground.

Deputy Borges requested assistance via his portable radio advising he was involved in a fight. Numerous units acknowledged their response and Deputies Borges and Berry continued fighting with Suspect Engle.

While fighting with deputies on the ground, Suspect Engle reached into his left front pants pocket. The deputies believed Suspect Engle was possibly reaching for a weapon and used personal weapons (elbow strikes) to Suspect Engle's back. Suspect Engle continued fighting and kicked Deputy Borges on the left shin. Suspect Engle was able to get to his knees and attempted to stand up. Suspect Engle was strong enough to pull both deputies in a westerly direction along the sidewalk as he continued ignoring the deputies orders to surrender.

Deputy Borges noted Suspect Engle still had his hand inside the previously mentioned pants pocket and both deputies were able to use their body weight to force Suspect Engle back to the ground. Deputy Borges pulled Suspect Engle's left arm away from his body and Deputy Borges saw Suspect Engle was holding a clear plastic baggie of Methamphetamine. Suspect Engle attempted to destroy the narcotics by crushing them in his hand.

The deputies continued using their body weight to keep Suspect Engle on the ground as they awaited responding units. Suspect Engle continued kicking his feet and used his hands to try and push himself up. Throughout the fight, Suspect Engle ignored the deputies numerous orders to surrender. Suspect Engle managed to get to his knees again as Deputy Borges held on to Suspect Engle's arm. Suspect Engle struck Deputy Borges in his chest with his left elbow. Deputy Borges defended himself by punching Suspect Engle in the left rib area.

Deputy Borges grabbed Suspect Engle's left shoulder and placed his right arm around Suspect Engle's neck in an attempt to control Suspect Engle's upper body by controlling his head. The deputies used their body weight to bring Suspect Engle back to the ground as they continued struggling with the suspect. Deputy Borges updated the responding units via portable radio that they were still fighting. Both deputies laid on top of the suspect to immobilize him while they awaited assisting units.

Assisting units arrived as deputies Borges and Berry continued their attempt to control Suspect Engle. Suspect Engle was able to place his arms underneath his body and raise his body off the ground while the deputies laid on top of him. Suspect Engle struck Deputy Borges with his elbow in the left shoulder. Deputy Borges heard a deputy advise the Taser was being deployed. Both Deputy Borges and Deputy Berry disengaged from the suspect and allowed responding units to take over the combative Suspect Engle.

Deputy Borges and Deputy Berry were extremely fatigued and exhausted from the fight with Suspect Engle. Upon disengaging, both deputies walked away from the scene to catch their breath at a nearby radio car, east of the location.

Five deputies who responded to the assistance request took over the fight from Deputy Borges and Berry. The five deputies, identified as Deputies Farrell, Cardenas, Cervantes, Zipusch and Smith used various types of force techniques to control the combative Suspect Engle. The force used by the deputies ranged from kicks to Suspect Engle's lower back, side, stomach and chest area, to punches to the face and back of the head. In addition, Tasers were deployed by Deputy Cervantes to the back right shoulder area of Suspect Engle and by Deputy Smith (drive-stun mode) to Suspect Engle's lower back area.

> **IAB NOTE-** The firing data for both Tasers was downloaded by Sergeant Emeneger and submitted with this case in the **Miscellaneous Documents** section.

Sergeant John Steele arrived on scene and witnessed Suspect Engle fighting with Deputy Borges and Deputy Berry. Sergeant Steele directed Deputy Cervantes to deploy the Taser on Suspect Engle. After the Taser was deployed, Sergeant Steele grabbed Suspect Engle's right arm and assisted Deputy Cervantes with the un-resisted handcuffing of Suspect Engle.

Although Suspect Engle was handcuffed, he continued kicking his legs and struggling with deputy personnel. Sergeant Steele removed himself from the situation in order to request rescue personnel to respond and treat Suspect Engle. Suspect Engle continued kicking his legs and he was restrained using the Total Appendage Restraint Procedure (TARP), which was applied by Deputy Cardenas and Deputy Farrell. Suspect Engle remained in a TARP position for approximately seven minutes until Los Angeles County Fire Department paramedics arrived and it was removed. Suspect Engle was transported to Harbor General Hospital via ambulance where he was treated for his injuries.

The use of force was reported to Carson Sergeant Michelle Emeneger. In addition, Sergeant Steele, Sergeant Norman and Sergeant Jones responded to the scene. The incident was documented by those involved on a SH-R-49 **[Exhibit A]** and several supplemental reports **[Exhibit B]**.

INVOLVED PERSONNEL:

Ronnie Borges - Deputy Sheriff/ Field Training Officer, Employee #[redacted]
Carson Station
South Patrol Division

David Berry – Deputy Sheriff, Employee #[redacted]
Carson Station
South Patrol Division

Walter Zipusch – Deputy Sheriff, Employee #[redacted]
Carson Station
South Patrol Division

Amber Smith – Deputy Sheriff, Employee #[redacted]
Carson Station
South Patrol Division

Paul Cervantes – Deputy Sheriff/Bonus I, Employee #[redacted]
Carson Station
South Patrol Division

Ramon Cardenas – Deputy Sheriff, Employee #[redacted]
Carson Station
South Patrol Division

William Farrell – Deputy Sheriff, Employee #[redacted]
Carson Station
South Patrol Division

SUSPECT:

Christopher Cory Engle MW/05-12-87

Height/Weight:	507/220
Booking #	352444
Charge:	Resisting Arrest by Force 69PC, Possession of a Controlled Substance 11377(A) HS Possession of Drug Paraphernalia 11364.1(A) HS

According to the Consolidated Criminal History System, Suspect Engle [redacted]. A copy of Suspect Engle's criminal history is included in this report **[Exhibit D]**.

NON-DEPARTMENT WITNESSES:

Carson Station, Sergeant Norman was unable to locate any civilian witnesses. Sergeant Norman contacted several residents at the location who said they did not witness the incident. A copy of a supplemental report authored by Sergeant Norman is included in this case. Refer to **Exhibit B**.

INVOLVED EMPLOYEE STATEMENTS:

All personnel involved in this use of force, documented their actions and observations on either the first report or supplemental reports, which are included in this case. The above force summary was compiled using all the reports and subsequent interviews. In order to avoid redundancy, the purpose of the following employee statements is to highlight additional information not previously mentioned in the above force summary.

The following interview summaries are based on statements given during audio or video recorded interviews. For complete and detailed statements, refer to the digital audio/video recorded files or the verbatim transcripts, which are included in this investigation.

Deputy Ronnie Borges # [redacted] was interviewed on June 3, 2013, by Internal Affairs investigators. He was represented by his attorney Debra Wadleigh, from the law office of Green and Shinee. Deputy Borges authored an Incident report, documenting the event and his actions (**Exhibit A)**. His report was consistent with his verbal description of the incident during his Internal Affairs Interview. Deputy Borges was Deputy Berry's training officer at the time of this incident.

Suspect Engle ignored Deputy Borges's orders to stop and get on the ground. Deputy Borges grabbed Suspect Engle's legs and lifted them up as Deputy Berry grabbed Suspect Engle's upper body. The two deputies then forced Suspect Engle to the ground. Deputy Borges immediately put out emergency radio traffic and attempted to hold Suspect Engle to the ground while they waited for additional units. Suspect Engle continued trying to push himself off the ground and reached into his left pocket for what Deputy Borges thought could be a weapon.

Deputy Borges, who was on top of Suspect Engle, elbowed Suspect Engle three times in the lower back. Suspect Engle then kicked Deputy Borges in the shin. Suspect Engle was able to lift both deputies off the ground. Deputy Borges said throughout the fight, he and Deputy Berry switched positions as they readjusted. Deputy Borges started controlling the suspects legs, while Deputy Berry controlled the suspects upper body and vice versa. Deputy Borges attempted to control the suspects head and used his forearm to put Suspect Engle in a headlock. Deputy Borges indicated during the takedowns, it was Suspect Engle who landed first, facedown.

When assisting units arrived, Deputy Borges heard someone say, "Taser, Taser." Deputy Borges and Deputy Berry disengaged and they both walked away from the area fatigued and out of breath. Deputy Borges believed sufficient units had arrived to handle the situation. Deputy Borges did not witness any force used by responding units

Deputy David Berry #[redacted] was interviewed on June 3, 2013, by Internal Affairs investigators. He was represented by his attorney Debra Wadleigh, from the law office of Green and Shinee. Deputy Berry authored a supplemental report, documenting the event and his actions (**Exhibit B)**. His report was consistent with his verbal description of the incident during his Internal Affairs Interview. At the time of the incident, Deputy Berry was on training.

Suspect Engle was reaching for his waistband for what Deputy Berry believed could possibly be a weapon. Deputy Berry attempted to apply the carotid restraint on Suspect Engle but was unable due to Suspect Engle moving and thrashing his body. Deputy Berry said Suspect Engle was kicking his feet and striking the deputies with his elbows.

Deputy Berry said he was "freaked out" (scared) of Suspect Engle after Suspect Engle was able to push his own body up off the ground while both deputies were on top of him. As Suspect Engle raised his body, Deputy Berry grabbed his head and gave Suspect Engle two to three upward knee strikes to his head. Suspect Engle managed to get up off the ground in spite of the knee strikes and the deputies took him to the ground again.

Deputy Berry said he and Deputy Borges fought with Suspect Engle for what seemed like a long time. He described Suspect Engle as amped up on drugs. Deputy Berry was holding onto Suspect Engle's legs when he finally heard units arrive. He heard someone advising they were going to deploy the Taser, and Deputy Berry disengaged removing himself from the situation to catch his breath.

Deputy Walter Zipusch #[redacted] was interviewed on June 3, 2013, by Internal Affairs investigators. He was represented by his attorney Debra Wadleigh, from the Law office of Green and Shinee. Deputy Zipusch authored a supplemental report, documenting the event and his actions (**Exhibit B)**. His report was consistent with his verbal description of the incident during his Internal Affairs Interview. At the time of the Internal Affairs interview, Deputy Zipusch was wearing a brace on his right hand. Deputy Zipusch said as a result of this incident, he fractured his hand in three places and was currently under medical care.

> **IAB NOTE-** Deputy Zipusch believed his injury may have occurred when he punched Suspect Engle in the back of the head. Refer to his transcripts, Page 2.

Deputy Zipusch responded to the assistance request with his partner, Deputy Amber Smith. Upon arrival, he saw Deputy Borges holding Suspect Engle in a headlock while Deputy Berry held the suspect's legs. Deputy Zipusch saw Suspect Engle kicking violently and swinging his elbows at the deputies. Deputy Zipusch used a front kick to Suspect Engle's stomach area which had little or affect. Deputy Zipusch used his body weight and laid on top of Suspect Engle to force him to the ground. While on the ground, Suspect Engle attempted to push himself up and throw Deputy Zipusch off. Deputy Zipusch punched Suspect Engle one time in the face followed by a second punch to the back of the head.

Deputy Zipusch momentarily disengaged when he heard Deputy Cervantes advise he was deploying the Taser. After the Taser was cycled and it appeared to have little effect on Suspect Engle, Deputy Zipusch again placed his body weight on top of the suspect to hold him down. Deputy Zipusch then grabbed Suspect Engle's left wrist and Deputy Cervantes was able to handcuff the suspect.

Deputy Amber Smith #[redacted] was interviewed on June 3, 2013, by Internal Affairs investigators. She was represented by attorney Debra Wadleigh, from the Law office of Green and Shinee. Deputy Smith authored a supplemental report, documenting the event and her actions (**Exhibit B)**. Her report was consistent with her verbal description of the incident during his Internal Affairs Interview.

Deputy Smith was partners with Deputy Zipusch in Unit 160B2 and they responded to the assistance request. Upon arrival, Deputy Smith saw both Deputies Borges and Berry on the ground, fighting with Suspect Engle who was on his stomach. Deputy Smith noted both deputies appeared exhausted as they were attempting to control the suspect. In addition, Deputy Smith saw Suspect Engle kicking his legs and swinging his arms attempting to strike the deputies and push himself up off the ground.

Deputy Smith made contact with the suspect just as additional deputies had arrived. She yelled that she was going to deploy the Taser. Due to the numerous deputies

surrounding Suspect Engle, Deputy Smith believed if she deployed the darts of the Taser, they could potentially hit one of the deputies who were in close proximity. Deputy Smith opted to deploy the Taser in drive-stun mode. She put her foot on Suspect Engle's back to hold him down as she removed the Taser cartridge. Deputy Smith drive-stunned Suspect Engle on his right back area. The Taser had little to no effect. Deputy Smith checked the Taser to see if it was working properly, then reapplied the Taser in drive-stun mode. Simultaneously Deputy Cervantes deployed his Taser to Suspect Engle's right shoulder area. Suspect Engle was yelling and continued to struggle, however the deputies managed to handcuff the suspect.

Deputy Paul Cervantes #[redacted] was interviewed on June 3, 2013, by Internal Affairs investigators. He was represented by his attorney, Debra Wadleigh from the Law office of Green and Shinee. Deputy Cervantes authored a supplemental report, documenting the event and his actions (**Exhibit B)**. His report was consistent with his verbal description of the incident during his Internal Affairs Interview.

Deputy Cervantes was partners with Deputy Cardenas in unit 169A. Deputy Cervantes was Deputy Cardenas's training officer. The two deputies responded to the assistance request and upon arrival, saw Deputy Borges and Berry still fighting with Suspect Engle. Deputy Cervantes saw Suspect Engle on the sidewalk on his stomach being held down by Deputies Borges and Berry. Deputy Cervantes saw Suspect Engle trying to get up off the ground and waving his arms in a backward motion.

Deputy Cervantes made his way to the suspect just as Deputy Zipusch and Deputy Smith were arriving. Both Deputies Borges and Berry disengaged and Deputy Cervantes attempted unsuccessfully to control Suspect Engle's right hand. Suspect Engle continued being assaultive toward the deputies. Suspect Engle's body was up off the ground when Deputy Cervantes stood up and kicked Suspect Engle several times on the right underarm and front chest area which was exposed when Suspect Engle raised his body.

The kicks had little to no effect on Suspect Engle and Deputy Cervantes switched to the use of the Taser at the direction of Sergeant Steele. Deputy Cervantes yelled out, "Taser" to alert other deputies it would be deployed. Deputy Cervantes fired the Taser at Suspect Engle's back from a distance of about three feet. Deputy Cervantes saw the Taser darts strike Suspect Engle in the back, however the Taser appeared to have very little effect on Suspect Engle.

Although the Taser appeared to have minimal effect, Deputy Cervantes was able to handcuff Suspect Engle with the assistance of other personnel.

Deputy Ramon Cardenas #[redacted] was interviewed on June 3, 2013, by Internal Affairs investigators. He was represented by his attorney, Debra Wadleigh from the Law office of Green and Shinee. Deputy Cardenas authored a supplemental report, documenting the event and his actions (**Exhibit B)**. His report was consistent with his verbal description of the incident during his Internal Affairs Interview.

Deputy Cardenas was partners with Deputy Cervantes in unit 169A and they responded to the assistance request. Upon arrival, they observed Deputy Borges and Deputy Berry still fighting with the suspect. Deputy Cardenas approached the suspect and placed his knee on top of the suspect's calves to prevent him from kicking. Deputy Cardenas then placed his hobble restraint around the suspects ankles and ultimately placed Suspect Engle in a total appendage restraint position (TARP) with the assistance of Deputy Farrell.

Deputy Cardenas said the hobble was hastily applied to subdue Suspect Engle as quick as possible. In the application, Deputy Cardenas did not cinch the hobble tightly around the ankles, however the desired affect was accomplished and Suspect Engle was restrained.

> **IAB NOTE-** Sergeant Jones noted the TARP was not properly applied and directed Deputy Stelter to adjust the straps. See Supplemental report from Sergeant Jones.

Suspect Engle remained in the TARP position for approximately seven minutes. The TARP device was removed prior to Suspect Engle being placed in the ambulance. Deputy Cardenas rode in the ambulance with Suspect Engle to the hospital.

Deputy William Farrell #[redacted] was interviewed on June 3, 2013, by Internal Affairs investigators. He was represented by his attorney Debra Wadleigh, from the Law office of Green and Shinee. Deputy Farrell authored a supplemental report, documenting the event and his actions (**Exhibit B)**. His report was consistent with his verbal description of the incident during his Internal Affairs Interview. Deputy Farrell responded to the assistance request from the station with Deputy [redacted].

> **IAB NOTE-** Deputy [redacted] did not use force, nor did he witness any force. Upon arrival, he took a containment position to deal with potential members of the public from coming out of their homes and becoming involved (refer to Deputy [redacted] transcripts for further).

Upon arrival, Deputy Farrell saw Deputies Borges and Berry fighting with Suspect Engle on the ground. Deputy Farrell ran toward the suspect and his view was momentarily obstructed by parked cars. When Deputy Farrell arrived, he saw Deputy Zipusch on the suspect's back and saw the suspect kick at the deputies. Deputy Farrell kicked Suspect Engle on the mid/lower back area causing the suspect to drop to

his stomach. The suspect attempted to buck Deputy Zipusch off his back as he (suspect) attempted to stand back up. Deputy Farrell kicked the suspect a second time in the front, lower rib area.

The second kick caused Suspect Engle to drop to his stomach and Deputy Farrell knelt down on Suspect Engle's back and held down the suspects head. While Deputy Farrell was holding the suspect down, Deputy Cervantes advised he was deploying the Taser. At the same time, Deputy Farrell saw Deputy Smith deploy her Taser in drive-stun mode to Suspect Engle's back. The Taser appeared to have little or no effect on Suspect Engle, however the deputies were able to handcuff Suspect Engle. Deputy Farrell then assisted with placing Suspect Engle in the TARP position.

SUSPECT'S STATEMENTS:

Suspect Engle was interviewed twice by Carson Station Lieutenant [redacted] and Sergeant Emeneger at Harbor-UCLA Medical Center. Both interviews were videotaped and are submitted with this case (See **Exhibit E).** Suspect Engle refused to speak about the incident with Lieutenant [redacted], however the videos document Suspect Engle's external injuries. The only pain described by Suspect Engle on video, was pain to his ribs.

On May 7, 2013, Internal Affairs investigator, Sergeant Mark Reyes conducted a videotaped interview of Suspect Engle at Harbor-UCLA Medical Center. A copy of the interview is submitted with this case **[Exhibit F and transcripts]**.

Suspect Engle said he woke up in his van when he tried to run (from deputies). He tried to run because he was paranoid. Suspect Engle said the deputies grabbed him when he tried to run away and slammed him to the floor. Suspect Engle denied fighting with deputies. At the time of the interview, Suspect Engle said he had pain to his ribs.

SUSPECT'S INJURIES:

Suspect Engle was transported to Harbor-UCLA Medical Center and treated for his injuries by Doctor Pavelka. It was determined Suspect Engle sustained a collapsed lung and a left rib fracture. A Disc containing photographs of Suspect Engle's injuries are included in this case **(Exhibit C)**.

INJURIES TO DEPUTY PERSONNEL:

Deputy Berry received a cut to his left hand and elbow. See photos **[Exhibit H]**.

Deputy Zipusch fractured his right hand in three separate locations.

REVIEW OF RADIO BROADCAST:

The radio broadcasts from Carson Dispatch 9 were reviewed by the Internal Affairs Bureau investigator. According to the radio transmissions, Unit 163A fought with Suspect Engle for at least four minutes before assisting units began arriving. Prior to the arrival of assisting units, Deputy Borges advised his location of [redacted] West 181st Street and later updated the same street address, but added "Victoria Park." There was some confusion whether the deputies were fighting in the actual park or the street. In addition, Unit 163A advised they were on West 181st Street when in fact they were on East 181st Street.

> **IAB NOTE-** The fight was on the sidewalk at the given address and not in "Victoria Park." The neighborhood is considered Victoria Park after an actual park in the area by the same name. A disc containing the audio is included in this case **[Exhibit I]**.

At approximately 1339 hours a unit says he has arrived at the location and advises they (Borges and Berry) are still fighting. Approximately one minute later (1340 hours) a unit advises Code-4 and requests paramedics respond to their location.

WEAPONS USED BY DEPUTY PERSONNEL:

Personal Weapons (Hands, Feet, knees), Taser, Hobble

WEAPONS USED BY SUSPECT:

Personal Weapons (hands, elbows, feet)

CRIMINAL CASE FILED:

Court:	Compton Court, Case No. TA12815201
Charges:	69 PC, 11377(A) HS, 11364.1(A) HS

On May 20, 2013, Suspect Engle was convicted of 11377(A) HS and sentenced to 365 days jail and three years probation. He was released from custody on percentage time on June 25, 2013.